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10/020,869	12/12/2001	Simon Blair Dobson	60130-1294/00MRA0564	6697
26/096 7590 08/27/2008 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009				
EXAMINER REDMAN, JERRY E				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SIMON BLAIR DOBSON

Appeal 2008-0991
Application 10/020,869
Technology Center 3600

Decided: August 27, 2008

Before WILLIAM F. PATE, III, DAVID B. WALKER, and JOHN C.
KERINS, *Administrative Patent Judges*.

PATE, III, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 1, 4, 5, 17, and
20-24. These are the only claims remaining in the application.

We have jurisdiction under 35 U.S.C. §§ 134 and 6(b) (2002).

The claimed invention is directed to a vehicle door comprising an outer door panel, an inner door panel, and a trim panel mounted adjacent the inner door panel wherein there is a seal arrangement that seals water from entering the dry side of the trim panel.

Claim 1, reproduced below, is further illustrative of the claimed invention.

1. A vehicle door comprising:
 - an outer door skin and an inner door panel defining a wet space on an interior of the vehicle door;
 - a manually actuatable element;
 - a latch mechanism operable by the manually actuatable element;
 - a trim panel mounted adjacent the inner door panel, the trim panel having a vehicle interior side defining a dry space, wherein the entire trim panel is waterproof and defines a waterproof barrier between the wet space and the dry space; and
 - a seal arrangement that seals the manually actuatable element relative to the trim panel to prevent moisture from passing to the vehicle interior side of the trim panel.

The references of record relied upon by the Examiner as evidence of obviousness are:

Queveau (as translated)	EP 0 579 535 A1	Jul. 9, 1993
Larabel	WO 01/14665 A1	Mar. 1, 2001

Claims 1, 4, 5, 17, and 20-24 stand rejected under 35 U.S.C. § 103 as unpatentable over Queveau in view of Larabel.

OPINION

We have carefully reviewed the rejection on appeal in light of the arguments of the Appellant and the Examiner. As a result of this review we have reached the conclusion that the applied prior art does not establish the prima facie obviousness of the claims on appeal. Therefore the rejection of these claims is not sustained. Our reasons follow.

The Examiner identifies Queveau's cladding part 4 as the trim panel waterproof material called for in the independent claim 1. We are in agreement with the Appellant that cladding panel 4 of Queveau does not provide such a waterproof barrier demarking a wet and a dry side of a vehicle door as called for in the claim. We agree with the Appellant that the various apertures and the opening 44 in the cladding panel preclude this panel from being considered to be the waterproof trim panel called for. We agree with Appellant that the support panel 3 of Queveau, which the Examiner identifies as the interior door panel, is the waterproof barrier of the reference. Consequently, we are constrained to reverse the rejection on appeal in that the identified panel 4 in the Queveau reference does not satisfy the claim language of a trim panel defining a waterproof barrier between the wet space and the dry space as the Examiner argues.

SUMMARY

The rejection of claims 1, 4, 5, 17, and 20-24 under 35 U.S.C. § 103 is reversed.

REVERSED

Appeal 2008-0991
Application 10/020,869

hh

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